

## REMARKS

Claims 1-3 and 5-31 remain pending. Reconsideration of the application is respectfully requested.

Claims 1-3 and 5-31 were rejected under 35 U.S.C. §103(a) as obvious over Burgermeister (U.S. Patent No. 6,679,911) in view of Fischell et al. (U.S. Patent No. 5,695,516). The Examiner asserts that Burgermeister states at column 3, lines 22-34 that the stent structure of Figures 7A and 7B "does not foreshorten during expansion". Applicant respectfully traverses. What in fact is stated at column 3, lines 22-34 is that the living hinges that are employed in one embodiment serve to **reduce** the foreshortening of the stent which of course implies that the described stent nonetheless decreases in longitudinal length upon expansion. With regard to the passage at column 3, lines 50-54 that was cited by the Examiner, it must be noted that this refers to "yet another preferred embodiment" which is devoid of any "living hinges". As such, the reference does not suggest a stent wherein the interconnection of the cylindrical rings **in combination** with the arrangement of the first and second peaks cause the stent to increase in longitudinal length upon expansion.

While it is acknowledged that both Burgermeister as well as Fischell teach that expansion may be possible and/or desirable, neither reference alone or in combination teaches the particular structure that is presently being claimed. Such combination is capable of providing advantages that are not even contemplated by the two references. For example, a center section that remains at a substantially constant length during expansion precludes a shifting of the stent between the expanding delivery balloon and

the vessel wall during stent deployment while the lengthening of only the end rings nonetheless serves to provide drug delivery beyond the working length of the balloon. It is therefore respectfully submitted that the particular structure that is claimed is not obvious in view of the teachings of the cited art.

In light of the above remarks, applicant earnestly believes the application to be in condition for allowance and respectfully requests that it be passed to issue.

Respectfully submitted,

FULWIDER PATTON LLP

By:



Gunther O. Hanke

Registration No. 32,989

JSN:GOH:lm

Howard Hughes Center  
6060 Center Drive, Tenth Floor  
Los Angeles, CA 90045  
Telephone: (310) 824-5555  
Facsimile: (310) 824-9696  
Customer No. 24201